

REMARKS

This Amendment is being submitted under 37 C.F.R. §1.312 following the mailing of a Notice of Allowance and Fee(s) Due in this case.

The specification has been amended to add a specific reference to priority applications U.S. Provisional Application Serial No. 60/446,372 and U.S. Provisional Application Serial No. 60/523,591. Applicant submits that the priority claim and incorporation by reference of the priority application disclosures were made respectively on page 1 of the "Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed" and on page 11 of the "New Application Transmittal" filed concurrently with the application on February 10, 2004. Accordingly, Applicant submits that the priority claim and incorporation by reference were submitted timely. Relevant excerpts from the Transmittal and Added Pages are included below.

☒ **Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

☒ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added 5

☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added _____

☐ Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added _____

☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

☐ **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

☐ This transmittal ends with this page.

#433411

(Application Transmittal—page 11 of 11)

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATION(S) CLAIMED**

NOTE: See 37 CFR 1.78.

17. Relate Back

WARNING: *If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.*

(complete the following, if applicable)

☒ Amend the specification by inserting, before the first line, the following sentence:

A. 35 U.S.C. 119(e)

NOTE: *"Any nonprovisional application claiming the benefit of one or more prior filed copending provisional applications must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior provisional application, identifying it as a provisional application, and including the provisional application number (consisting of series code and serial number)." 37 C.F.R. § 1.78(a)(4).*

☒ "This application claims the benefit of U.S. Provisional Application(s) No(s):

APPLICATION NO(S):

FILING DATE

<u>60/446,372</u>	<u>February 10, 2003</u>	"
<u>60/523,591</u>	<u>November 19, 2003</u>	"
<u> / </u>		"

B. 35 U.S.C. 120, 121 and 365(c)

NOTE: *"Except for a continued prosecution application filed under § 1.53(d), any nonprovisional application claiming the benefit of one or more prior filed copending nonprovisional applications or international applications designating the United States of America must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. . . . Cross-references to other related applications may be made when appropriate." (See § 1.14(a)). 37 C.F.R. § 1.78(a)(2).*

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed—page 1 of 5)

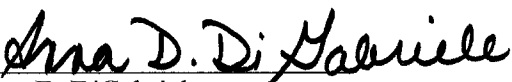
Claims 210 and 217 have been amended to correct an obvious error in the recitation of the sequence of SEQ ID NO: 662. Support for these amendments can be found throughout the specification, for example, at page 85, SEQ ID NO: 130.

Applicant submits that the amendments do not affect the scope or the merits of the allowed claims. Accordingly, Applicant respectfully requests entry of the present amendments. If any issues remain in regards to the above-referenced application, the Patent Office is encouraged to contact the undersigned at 212-641-5601.

No fees are believed to be due in connection with this Amendment. However, the Director is authorized to charge any additional fees that may be required, or credit any overpayment, to Dechert LLP Deposit Account No. 50-2778 (Order No. 366929-018US (396515)).

Dated: May 1, 2009

Respectfully submitted,

By 

Anna D. DiGabriele

Registration No.: 59,933

Dechert LLP

Customer No. 37509

P.O. Box 390460

Mountain View, CA 94039-0460

(212) 698-3500

(212) 698-3599 (Fax)

Attorneys/Agents For Applicant